



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,224	10/15/1999	KOJI MATSUMOTO	0020-4621P	6995

7590 07/22/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

WILSON, DONALD R

ART UNIT	PAPER NUMBER
1713	11

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/403,224	MATSUMOTO, KOJI
	Examiner	Art Unit
	D. R. Wilson	1713

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 20 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires _____ months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on 21 June 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will not be entered because:

(a) they raise new issues that would require further consideration and/or search (see NOTE below);

(b) they raise the issue of new matter (see Note below);

(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. Applicant's reply has overcome the following rejection(s): See attachment.

4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7.

Claim(s) withdrawn from consideration: 8.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 

10. Other: _____

ADDITIONAL COMMENTS

Response to Proposed Amendment After Final

1. Applicant's proposed amendment filed 6/20/02, after final rejection, has been fully considered with the following results.
2. The proposed amendment will not be entered because it introduces new limitations into the claims which require further consideration. There has previously been no limitations to specific curing conditions of the molded articles as set forth in amended Claim 1, 5 and 7.
3. The proposed amendment would have overcome the rejections under 35 U.S.C. § 112, second paragraph, and if entered this rejection would have been withdrawn.
4. Applicant's traversal of the prior art rejections is not considered because it is based upon amendments to the claims which have not been previously considered, i.e., primary and secondary curing steps at the recited specifications of the claims. It is also noted that the specific curing conditions set forth in amended Claims 1 and 7 relate to an intended curing, and do not impart patentability to the curing composition, which is otherwise known.
5. Applicant's traversal of the constructive election of Claims 1-7 and the withdrawal of Claim 8 has been fully considered. The argument that "--- claim 8 is sufficiently linked to claims 1-7 by a special technical feature, namely the composition of a fluoro rubber" under the PCT standard of unity is not deemed to be persuasive. Applicant is referred to PCT Rule 13.2 which states as follows:

Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (Underlining added.)

For the reasons of record what applicant sets forth as the special technical feature linking the two inventions does not provide a contribution over the prior art. Unity of invention is therefore lacking.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. R. Wilson whose telephone number is 703-308-2398.

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 703-308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-305-3599 for After Final communications. The unofficial direct fax phone number to the Examiner's desk is 703-872-9029.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2351.



D. R. Wilson
Primary Examiner
Art Unit 1713